

BILL NO. S-69-10- //

SPECIAL ORDINANCE NO. S- 355-69

AN ORDINANCE ordering the improvement of Vance Avenue from a point approximately 205 feet West of the West property line of Rolston Street to the West property line of Beacon Street.

WHEREAS, on the 25th day of August, 1969, the Board of Public Works of the City of Fort Wayne adopted Street Improvement Resolution No. 5533-1969, providing for the improvement of Vance Avenue from a point approximately 205 feet West of the West property line of Rolston Street to the West property line of Beacon Street; and

WHEREAS, within 10 days after the day named for hearing upon said Resolution, a majority of the resident freeholders on said street remonstrated against said improvement; and

WHEREAS, on October 2, 1969, the Board of Public Works, upon consideration of such remonstrance, determined that in its opinion, a public need and necessity existed for said improvement, and by its communication dated October 2, 1969, heretofore made a record, communicated the foregoing to this body; and

WHEREAS, Section 107 of Chapter 129 of the Acts of 1905 of the State of Indiana, as amended, provides that in the event of such a remonstrance, the improvement shall not be made unless specifically ordered by an ordinance within 60 days thereafter, passed by two-thirds vote of the Council and approved by the Mayor:

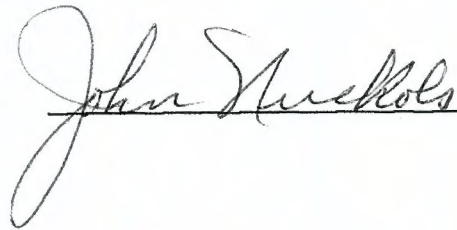
NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the improvement of the above-named street is hereby deemed to be of public need and necessity in said area.

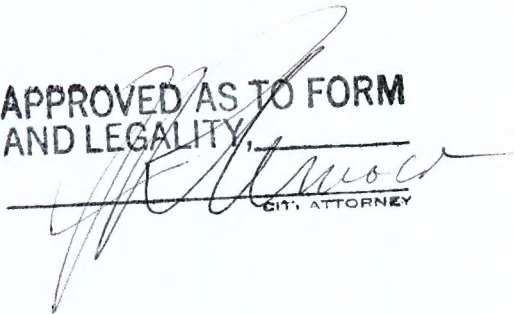
SECTION 2. That notwithstanding any remonstrance filed against the same by the resident freeholders on said street, the improvement of Vance Avenue from a point approximately 205 feet West of the West property line of Rolston Street to the West property line of Beacon Street in the City of Fort Wayne, Indiana, be and the same is hereby specifically ordered, and this Ordinance shall be and constitute sufficient authority and direction to the

Board of Public Works of the City of Fort Wayne, Indiana in the premises to proceed in accordance with said Resolution.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY.



CITY ATTORNEY

54-72-4

October 2, 1969

Mr. J. Robert Arnold
City Attorney
1120 Lincoln Bank Tower
Fort Wayne, Indiana

Dear Mr. Arnold:

Please prepare an ordinance to be introduced in the Common Council
Oct. 14, 1969, for the following:

Street Improvement Resolution No. 5533-1969 to improve Vance Avenue
from a point approximately 205 feet west of the west property line
of Rolston Street to the west property line of Beacon Street.

Remonstrance received, after being tabulated by the City Engineer,
contains 5 out of 7 or 71.42% of the resident property owners.

It is the opinion of the Board that the pavement is a public need
and necessity, as it is the only block of unimproved street on
Vance Avenue.

For your information, Ordinance S-299-69, was quite similar. This
Ordinance was ratified August 26, 1969.

Yours truly,

Fred S. Ehrman
Robert W. Dahman
George F. Gable
BOARD OF PUBLIC WORKS

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Bill No. S-69-10-11

REPORT OF THE COMMITTEE ON PUBLIC WORKS

We, your Committee on Public Works to whom was referred an Ordinance
ordering the improvement of Vance Avenue from a point approximately 205 feet
West of the West property line of Rolston Street to the West property line of
Beacon Street,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance do PASS.

JOHN NUCKOLS, Chairman

EDWIN J. ROUSSEAU, Vice-Chairman

THOMAS G. ADAMS

CELIA ANN FAY

JOHN H. ROBINSON

John Nuckols
Edwin J. Rousseau
Thomas G. Adams
Celia Ann Fay
John H. Robinson

CONCURRED IN
DATE 10-28-69 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Nuckols seconded by
Rousseau and duly adopted, read the second time by title and referred
to the (Committee on) Public Works (~~and to the City Plan~~
~~Commission for recommendation~~) (~~and Public Hearing to be held after due legal notice,~~
~~at the Council Chambers, City Hall, Fort Wayne, Indiana, on~~
the _____ day of _____ 196____, at _____ o'clock
~~P.M., E.S.T.~~

Date: 10-14-69

Freud G. Bonachoom
City Clerk

Read the third time in full and on motion by Nuckols
seconded by Fay and duly adopted, placed on its passage.
Passed (~~lost~~) by the following vote:

AYES	<u>9</u>	NAYS	<u>0</u>	ABSTAINED	____	ABSENT	____	to-wit:
Adams	<u>✓</u>							
Dunifon	<u>✓</u>							
Fay	<u>✓</u>							
Geake	<u>✓</u>							
Nuckols	<u>✓</u>							
Robinson	<u>✓</u>							
Rousseau	<u>✓</u>							
Steigerwald	<u>✓</u>							
Tipton	<u>✓</u>							

Date 10-28-69

Freud G. Bonachoom
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(~~Zoning Map~~)(~~General~~)(~~Annexation~~)(~~Special~~)(~~Appropriation~~) Ordinance (~~Resolution~~) No. 5-355-69

on the 28th day of October, 1969.

ATTEST: (SEAL)

Freud G. Bonachoom
City Clerk

Herbert H. Tipton
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 29th day
of October, 1969 at the hour of 8:30 o'clock A.M., E.S.T.

Freud G. Bonachoom
City Clerk

Approved and signed by me this 31st day of October, 1969,
at the hour of 9:30 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor